HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.27120 OF 2006

Between:

Mir Faiz Ali .....Petitioner

AND

District Collector, Medak
at Sangareddy and others. ...Respondents

:: O R D E R ::

Counsel for the petitioner : Sri Mohammed Ghulam Rasool

12th February 2007

Per G.S.SINGHVI, C.J.

In this petition filed in the name of public interest litigation, the petitioner has made the following prayers:

> "For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction in the nature of writ of mandamus, declaring the inaction of the respondents constructing S.C. Girls Hostel in the premises of Government School admeasuring Ac.10.00 gts. in Sy.No.110 situated in Ranjole Village Gram Panchayat, Zaheerabad Mandal, Medak District which was donated by landlord through registered deed in favour of the 2nd respondent in the year 1960 as per revenue records as illegal and arbitrary without jurisdiction and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.
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> It is further prayed that this Hon'ble Court may be pleased to direct the respondents not to construct S.C.Girls Hostel in the premises of Government School situated at Ranjole Village, Zaheerabad Mandal, Medak District admeasuring Ac.14.00 gts. (Ac.10.00 Mango garden and other threes plus Ac.4.04 school building) pending disposal of the writ petition and pass such other order or orders as this Hon'ble Court may deem fit and proper."

Although the petitioner has styled himself as a social worker, the affidavit filed in support of the writ petition is conspicuously silent about the social works undertaken by him. Not even a single instance has been cited by the petitioner to substantiate his assertion that he is a social worker. Therefore, the bona fides of the petitioner are doubtful and his locus to file the writ petition for preventing the official respondents from constructing hostel for the girls of Scheduled Caste is questionable.

De hors the above observations, we are convinced that the petitioner has failed to make out a case for restraining the official

respondents from constructing hostel for the girls. In paragraph 3 of his affidavit, the petitioner has averred that Government School was established on a piece of land measuring Ac.14.04 guntas comprised in Survey No.110 of Ranjole Village, which was donated by Sri Gopal Reddy; that the school building was constructed on Ac.4.00 of land and the remaining Ac.10.00 land was used for developing a garden of mango, tamarind and other trees, and that the annual income from the garden is about Rs.35,000/-, which is spent for the welfare of the children. In paragraphs 5 and 6, the petitioner has referred to the resolution passed by Gram Panchayat, Ranjole for construction of residential school for Scheduled Caste girls and handing over of a portion of the school land by Mandal Revenue Officer, Zaheerabad to the Sarpanch of the Gram Panchayat, and pleaded that the land donated by Sri Gopal Reddy for the welfare of the children of the village cannot be used by the official respondents for constructing hostel for the girls belonging to Scheduled Caste. According to the petitioner, if the respondents are not restrained from constructing the building, serious injustice will be done to the people of the village.

Sri Mohammed Ghulam Rasool, learned counsel for the petitioner reiterated the points taken in the affidavit of the petitioner and submitted that the respondents be restrained from constructing hostel in the school premises because that would be totally contrary to the purpose of donation of land by Sri Gopal Reddy.

We have considered the submission of the learned counsel, but have not at all felt impressed. In our opinion, the petitioner does not have any locus to seek invalidation of the resolution passed by the Gram Panchayat and the consequential action taken by the official respondents for construction of hostel for girls belonging to Scheduled Caste. He has neither pleaded nor any evidence has been produced

before the Court to show that he is related to Sri Gopal Reddy or was instrumental in donation of the land by the latter. It is also not the petitioner's case that he has made any contribution in the development of the school or for the general welfare of the children of the village.

During the course of hearing, we repeatedly asked learned counsel for the petitioner to indicate at least one paise contribution made by his client for the development of the village in general and the school in particular, but he did not reply in affirmative. He also could not show that his client, who is aged 72 years, has undertaken any social activity for the benefit of the people of the village. It is, thus, evident that in the guise of filing petition in the name of public interest, the petitioner is seeking to settle his scores with some one in the village. Therefore, keeping in view the settled proposition of law that the jurisdiction of the High Court should not be allowed to be misused in the name of public interest litigation, we have no hesitation to dismiss the writ petition with costs of Rs.10,000/-. Ordered accordingly.

The petitioner shall deposit the amount of costs with the Andhra Pradesh State Legal Services Authority within a period of one month from today. The Member Secretary, Andhra Pradesh State Legal Services Authority shall inform the Registry in writing whether or not the petitioner has deposited the amount so that if it becomes necessary, appropriate direction can be given for recovery of the amount of costs.

As a sequel to dismissal of the writ petition, WPMP.No.34858 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, C.J.

12th February, 2007

C.V. NAGARJUNA REDDY, J.

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